

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD SAN  
FRANCISCO BAY REGION

**MEETING DATE:** March 8, 2023

**ITEM:** 3

**SUBJECT:** Minutes for the February 8, 2023, Board Meeting

**February 8, 2023 Board Meeting**  
**Adopted Minutes**

Note: Copies of orders, resolutions, and minutes are posted on the Regional Water Board's website ([www.waterboards.ca.gov/sanfranciscobay](http://www.waterboards.ca.gov/sanfranciscobay)). Information about obtaining copies of audio recordings of Board meetings may be obtained by calling the Board's file review coordinator at (510) 622-2430. Written transcripts of Board meetings may be obtained by calling California Reporting, LLC, at (510) 313-0610.

**Item 1 – Roll Call and Introductions**

Meeting called to order at 9:05 a.m. at Elihu H. Harris Building, First Floor Auditorium.

<b>Board Members Present</b>	<b>Board Members Absent</b>	<b>Status</b>
Chair Jayne Battey		QUORUM
Vice-Chair Alexis Strauss-Hacker		
William Kissinger	• 9:16 Arrival	
Dr. Andrew Gunther		
Donald Young		
Letty Belin		

**Item 2 – Board Elections**

In accordance with the Water Code for annual Chair and Vice Chair elections, Executive Officer Eileen White solicited interest for the position of Chair for the San Francisco Bay Water Board and let the Board know that Chair Battey expressed interest in continuing to be Board Chair, she was appointed in September of 2022. Current Chair Battey was nominated by Board Member Gunther.

The board voted on the nomination and Current Chair Battey was elected Chair of the San Francisco Bay Regional Water Board for calendar year 2023. Bill Kissinger was absent for the vote.

Executive Officer White solicited interest for the position of Vice Chair for the San Francisco Bay Water Board. Current Vice Chair Hacker was nominated by Board Member Gunther and the board voted on the nomination. Bill Kissinger was absent for the vote.

Current Vice Chair Hacker was elected Vice Chair of the San Francisco Bay Regional Water Board for calendar year 2023.

**Item 3 – Public Forum**

The following speakers provided testimony during the open forum:

- Related to San Francisco storm, flooding, and wastewater issues:
  - Ashley Wessinger, The Marina 94123
  - Susan Eschweiller, San Francisco Resident

- David Hooper, SF Solutions not Sandbags
- Anthony Armstrong, San Francisco Resident
- Lisa Dunseth, SF Solutions not Sandbags submitted correspondence
- Related to Marinwood Plaza
  - Stephen Nestel, Clean-up Marinwood Now Committee
  - Bill McNicholas, Clean-up Marinwood Now Committee
- Point Reyes
  - Josh Quigley, Save the Bay

Chair Battey asked Executive Officer White to provide an update to the Board on the status of the San Francisco storm and related flooding in parts of the city. Vice Chair Hacker asked that the volumetric data and impacts be included in the update. Board Member Kissinger asked to include mechanisms planned for addressing the issue within the context of climate change and the new normal. Executive Officer White agreed to provide this data and explained the challenges the city has with combined storm and sewer pipes. She committed to updating the board on the clean-up and abatement order that is already in place.

#### **Item 4 – Minutes of the of December 14, 2022, Board Meeting**

Chair Battey asked the board members for any edits to the minutes for the December board meeting.

EO White noted the following clarification would be made to the minutes:

Chair Battey and Board Member Gunther asked for clarification of Caltrans expenditures, and the time period represented. Shaila Chowdhury of Caltrans confirmed that they have spent about half a billion dollars in total since 2018. Of that total number roughly \$40 million has been spent on education and outreach over the last three years.

Chair Battey asked for a motion to approve the minutes of the December 14, 2022 Board meeting with the above modification.

Motion: Board Member Gunther

Second: Vice Chair Hacker

Ayes: all

Nos: none

#### **Item 5 – Chair’s, Board Members’ and Executive Officer’s Reports**

Chair Battey asked for reports from each of the Board Members, starting with Sean Maguire, State Water Board Liaison.

State Water Board Maguire gave an update on the State priorities including the Racial Equity Action Plan (available on the State Water Board website). He then acknowledged

the State Restoration General Order that is on the Board's agenda for the day and the value of this Order to further restoration work throughout the state.

Chair Battey then asked for each of the board members to share information about their respective communities and the impacts of the winter storms. She started with impact on the coast and acknowledged the valiant work of Caltrans to re-open highway 92 and highway 1 throughout the winter.

Vice Chair Hacker shared the impacts in the East Bay and noted the astonishing amount of sediment and slope movement. She also acknowledged Caltrans work as well as local government clean-up.

Board Member Kissinger shared both storm and rising sea level impacts in the North Bay including highway 37.

Board Member Young shared impacts from the South Bay including Anderson reservoir and his appreciation that repairs were done prior to this season storms. He noted that Morgan Hill had major issues.

Board Member Belin agreed with Vice Chair Hacker and noted the dilemma of how desperately we need this water though the impacts were significant.

Board Member Gunther noted that this water deluge is normal rather than the new normal and noted several reference items for board review. Mega floods are expected every 150-200 years and noted the Wikipedia page for the flood of 1862. He also gave an update on his meetings with BCDC where they are discussing increased carbon emissions, the highest ocean temperatures on record with an expected El Nino and noted that 2024 will be the warmest year ever. He noted their work on the strategic plan and budgeting.

Executive Officer White highlighted the Executive Officer's Report item related to the atmospheric storms in December and January that impacted the Bay Area. She noted the investments in progress in many municipalities to mitigate impacts of future storm damage. She also shared with the board that additional updates will be forthcoming as the volumetric data is compiled and will be shared with the water board.

### **Item 6 – Vallejo Flood and Wastewater District Wastewater Treatment Plant and Wastewater Collection System, Vallejo, Solano County**

Executive Officer White introduced the item and noted though it was listed as uncontested on the agenda, Vallejo District contested a requirement to develop a private sewer lateral ordinance. John Madigan made the staff presentation.

Mark Komko, Director of Engineering from the Vallejo Flood and Wastewater District presented detail on costs, timing and issues related to private sewer laterals and asked the board to reconsider this requirement.

Executive Officer White recommended the board adopt the Vallejo District NPDES Permit with a one-year extension to April 2025 to develop and adopt the ordinance based on other like communities in the Bay Area.

Chair Battey asked for a motion to adopt the Vallejo District NPDES Permit.

Motion: Vice Chair Hacker made the motion to approve the order with the modification in Table 3, task 12 for the new compliance date of April 1, 2025. And that staff review the material submitted by Mark Komko, Director of Engineering from the Vallejo Flood and Wastewater District.

Second: Board Member Kissinger

Ayes: all

Nos: none

### **Item 7 – Informational Item**

#### **Supporting Bay Area Creek and Wetland Restoration: Background and Update on Statewide Restoration General Order**

Executive Officer White introduced the item and Keith Lichten made the staff presentation. Keith turned the presentation over to Phil Crader from the State Water Board followed by Luisa Valiela from the Environmental Protection Agency then Erika Lovejoy from Sustainable Conservation and finally to Kellyx Nelson from the San Mateo Resource Conservation District.

Chair Battey then opened the floor to participants and members of the public to share their testimony. The following speakers shared their perspectives:

- Sarah Phillips, Marin Resource Conservation District
- Amy Hutzler, State Coastal Conservancy
- Carin High, Citizens Committee to Complete the Refuge
- Arthur Feinstein, Sierra Club

Board Member Gunther verified the terms permit and order are being used interchangeably. He reiterated the importance of the work and how much we've learned over time which has helped influence the work of restoration. He suggested the group refine the communications to a three (3) minute overview. He also suggested that we move from the term restoration to the term resilience.

Board Member Belin acknowledged the great work of all and appreciated the presentation asking for detail on what's next for this work.

Chair Battey acknowledged and appreciates the complexity of restoration work and also noted that going slow is very risky in light of climate change impacts we are experiencing now.

**Item 8 – Closed Session – Personnel**

The Board met in closed session for Personnel matters.

**Item 9 – Closed Session – Litigation**

The Board met in closed session for Litigation matters.

**Item 11 – Adjournment 2:29**